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09/271,247	03/17/1999	MAKOTO SATOH	35.C13405	3843

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

VU, NGOC YEN T

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/271,247

Applicant(s)  
Makoto SATOH

Examiner  
Ngoc-Yen Vu

Art Unit  
2612



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 7, 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 ~~/s/~~are pending in the application.
- 4a) Of the above, claim(s) 1-24 ~~/s/~~are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-48 ~~/s/~~are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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***Response to Amendment***

1. The amendments, filed on 07/07/2003, have been entered and made of record. In view of the Applicant's amendments to the title and claims 25, 26, 29, 30, 36, 39, 40 and 42, the objection to the title and the rejection of the above noted claims are hereby withdrawn.

***Response to Arguments***

2. Applicant's arguments, filed 07/07/03, have been fully considered but they are not persuasive.

With respect to the Yamada '697 reference, the Applicants argue that Yamada fails to disclose or suggest at least the features of transmitting a signal indicating an amount of image data to the external apparatus, receiving a response signal indicating whether the external apparatus admits the transmission of the image data, and controlling transmission of the image data in accordance with the response signal. The Examiner respectfully disagrees. As discussed in the previous Office action, Yamada '697 teaches an image transmission apparatus (see Figs. 1-4) comprising transfer means (MPU1-MPU2) for transmitting the information indicating an amount of image data to an external apparatus (auxiliary memory MC) (Yamada teaches that in the copying mode, MPU2 estimates number  $\beta$  which can be transferred and copied to the auxiliary memory MC; see col. 10 lines 1+); receiving a response signal indicating whether the auxiliary memory MC admits the transmission of the image data (Yamada teaches that MPU2 determines the remaining free capacity in the auxiliary memory MC. If storage capacity of the

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auxiliary memory MC is insufficient, the auxiliary memory MC should be replaced by another auxiliary memory MC'. MPU2 reconfirms the free area capacity of the auxiliary memory MC and recompute number BF1 of copiable image sheets; see col. 10 line 1 - col. 12 line 33), and controlling transmission of the image data in accordance with the response signal (Yamada teaches that the MPU2 transfers image data from the main memory MM to the auxiliary memory MC when it confirms that the free area capacity of the MC).

In view of the teaching in the Yamada reference as discussed above, the Examiner believes that the broadest interpretation of the present claimed invention does in fact read on the cited reference for at least the reasons discussed above and as detailed in the following Office action.

The Office action is now made final.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 25-27, 30 and 33-35 are rejected under 35 U.S.C. 102(e) as being anticipate by Yamada et al. (US #6,515,697 B1).

Regarding claim 25, Yamada '697 teaches an image transmission apparatus comprising:

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transfer means for transferring the information of data amount indicating the data amount of image data to an external apparatus (auxiliary memory MC) (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19);

reception means and receiving from said external apparatus (MC) a response signal indicating whether or not said external apparatus admits of the transmission of said image data in accordance with said information of data amount and the free storage capacity of storage means to store said image data in said external apparatus (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19); and

control means (MPU1 & MPU2) for controlling the transmission of said image data in accordance with the response signal received by said reception means to indicate whether or not the transmission of said image data is admitted (col. 6 lines 16-27; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 58).

As to claim 26, Yamada '697 teaches that the response signal to indicate whether or not the transmission of said image data is admitted is generated by the manual operation of said external apparatus (Yamada teaches that upon detection of the insertion of the auxiliary memory MC, the control means causes the image data in the main memory (MM) to be transferred and copied to the auxiliary memory MC according to designation of a copy mode; col. 1 lines 50-64, col. 7 lines 26-32, 36-39).

As to claim 27, Yamada '697 teaches that said image transmission apparatus is a digital camera (see Fig. 4, col. 1 lines 12+).

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As to claim 30, Yamada '697 teaches the image corresponding to said image data is the image corresponding to a plurality of files, and said response signal to indicated whether or not the transfer of said image data is admitted permits the transfer of a part of plural files, but not any transfer of the files other than the part of the file permitted for transfer (col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42).

As to claim 33, Yamada '697 teaches that the digital camera is capable of photographing during the transmission of said image data (col. 7 lines 60-64; col. 9 lines 58-67; col. 12 lines 20-58).

As to claim 34, Yamada '697 teaches means for designating the suspension of the communication (col. 2 lines 4-12; col. 12 line 20 - col. 13 line 30; col. 14 lines 17-26).

As to claim 35, Yamada '697 teaches the image corresponding to said image data is the image corresponding to a plurality of files, and said reception means receives from said external apparatus the information indicating the files to be received by said external apparatus, and the information indicating the address of the external apparatus other than said external apparatus, the files to be received by the external apparatus other than said external apparatus (col. 2 lines 4-12; col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42; col. 12 line 20 - col. 13 line 30).

***Claim Rejections - 35 USC § 103***

4. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. '697 in view of Oie (US #6,188,431).

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As to claim 28, the claim differs from Yamada '697 in that it further requires that said transfer means and said reception means perform transfer and transmission by use of cordless line. However, it is well known in the art to transfer image data of a digital camera using cable or cordless line, as taught in Oie '431 (see col. 2 lines 25-27, col. 7 lines 34+). In light of the teaching from Oie, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image transmission apparatus taught in Yamada the capabilities of transmitting image data by use of cordless line so as to allow the user freedom to conveniently capture and transmit image data without using a cable.

5. Claims 29 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. '697 in view of Murphy et al. (US #6,282,362).

As to claims 29 and 31-32, the claim differs from Yamada in that it further requires said transfer means performs transfer by adding the thumbnail images having a file name corresponding to said image data, wherein said file name indicated the positional information when said image data is photographed, and said transfer means transfers the audio corresponding to said image. The limitations are well known in the art as shown in Murphy '362.

In the same field of endeavor, in figure 2 Murphy '362 teaches a digital camera system 300 comprising a camera body (310), a recording unit (370) and a playback unit (380). Murphy further teaches that the thumbnail image having file names indicated the positional information of the photographed image data can be displayed on the camera viewer (340) (See Fig. 1,

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playback unit 104 comprises index image 184 and index icon generator 190). Murphy further teaches that audio streams can be digitally stored and play backed via the audio pickup device (172) and an audio transducer (202) (see Fig. 1). In light of the teaching from Murphy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image transmission apparatus taught in Yamada the capabilities of adding the thumbnail images having audio data and file name indicating the positional information of the photographed image so as to provide image data storage in digital format with hype-links between the image and the image location at the time of data capture.

6. Claims 36-38, 41 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. '697 in view of Wakui (US #5,648,816).

Regarding claim 36, Yamada teaches an image reception apparatus comprising:

reception means (MPU2) to receive a transfer including the information of data amount indication the data amount of image data, from an external apparatus (auxiliary memory MC);

detection means to detect the free storage capacity of storage means to store said image data (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19);

output means to output the indication screen to indicate the reception of said image data in accordance with said information of data amount and said free storage capability (see Figs. 6-9 and 11);



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transmission means to transmit to said external apparatus (MC) the signal to indicate whether or not said image data are required in accordance with the reception indication of said image data (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19); and

image reception means to transmit to said external apparatus (MC) the signal to said external apparatus (col. 6 line 61 - col. 7 line 18; col. 8 line 58 - col. 9 line 40; col. 10 line 1 - col. 11 line 3; col. 11 line 31 - col. 12 line 19).

Claim 36 differs from Yamada in that the claim further requires the external apparatus is admitted to the transmission of said image data, and the image reception means is to receive the image data transmitted by said external apparatus in response to said signal transmitted by said image reception means. However, it is well known in the art to provide a digital camera with the capability of receiving and reproducing image data stored in an external recording medium, as taught in Wakui '816 (see col. 11 lines 14-64). Wakui '816 teaches that the image data stored in the image memory (7) can be transferred to the IC memory card (31) in a recording mode, and the image data stored in the IC memory card (31) can be transferred to the image memory (7) in the playback mode. In light of the teaching from Wakui, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the electronic camera taught in Yamada the capabilities of receiving image data from an external apparatus, such as an IC memory card, so as to provide the electronic camera with both image data recording and reproducing capabilities. Since Yamada teaches that the MPU2 continually updates the image

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data already stored and the image data can be stored in both the main memory (MM) and the auxiliary memory (MC), it would have been obvious to one skilled in the art to recognize that either one of the main memory (MM) and the auxiliary memory (MC) can receive the image data transferred from the other as long as the capacity of both memories MM and MC is determined by the MPU2.

As to claim 37, Yamada '697 teaches that the signal to indicate whether or not the transmission of said image data is admitted is generated by the manual operation of said output means (Yamada teaches that upon detection of the insertion of the auxiliary memory MC, the control means causes the image data in the main memory (MM) to be transferred and copied to the auxiliary memory MC according to designation of a copy mode; col. 1 lines 50-64, col. 7 lines 26-32, 36-39).

As to claim 38, Yamada '697 teaches that said image transmission apparatus is a digital camera (see Fig. 4, col. 1 lines 12+).

As to claim 41, Yamada '697 teaches the image corresponding to said image data is the image corresponding to a plurality of files, and said signal to indicated whether or not the transfer of said image data is admitted permits the transfer of a part of plural files, but not any transfer of the files other than the part of the file permitted for transfer (col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42).

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As to claim 44, Yamada '697 teaches that the digital camera is capable of photographing during the transmission of said image data (col. 7 lines 60-64; col. 9 lines 58-67; col. 12 lines 20-58).

As to claim 45, Yamada '697 teaches means for designating the suspension of the communication (col. 2 lines 4-12; col. 12 line 20 - col. 13 line 30; col. 14 lines 17-26).

As to claim 46, Yamada '697 teaches the image corresponding to said image data is the image corresponding to a plurality of files, and said reception means receives from said external apparatus the information indicating the files to be received by said external apparatus, and the information indicating the address of the external apparatus other than said external apparatus, the files to be received by the external apparatus other than said external apparatus (col. 2 lines 4-12; col. 6 line 41 - col. 7 line 32; col. 8 line 13 - col. 9 line 40; col. 10 line 1 - col. 11 line 42; col. 12 line 20 - col. 13 line 30).

7. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. '697 in view of Wakui '816, as applied to claim 36, and further in view of Oie (US #6,188,431).

As to claim 39, the claim differs from Yamada, as modified by Wakui, in that it further requires that said transmission means and said reception means perform transfer and transmission by use of cordless line. However, it is well known in the art to transfer image data of a digital camera using cable or cordless line, as taught in Oie '431 (see col. 2 lines 25-27, col. 7 lines 34+). In light of the teaching from Oie, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the image transmission apparatus taught in

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Yamada the capabilities of transmitting image data by use of cordless line so as to allow the user freedom to conveniently capture and transmit image data without using a cable.

8. Claims 40 and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. '697 in view of Wakui '816, as applied to claim 36 above, and further in view of Murphy et al. (US #6,282,362).

As to claims 40 and 42-43, the claim differs from Yamada, as modified by Wakui, in that it further requires said transfer means performs transfer by adding the thumbnail images having a file name corresponding to said image data, wherein said file name indicated the positional information when said image data is photographed, and said transfer means transfers the audio corresponding to said image. The limitations are well known in the art as shown in Murphy '362.

In the same field of endeavor, in figure 2 Murphy '362 teaches a digital camera system 300 comprising a camera body (310), a recording unit (370) and a playback unit (380). Murphy further teaches that the thumbnail image having file names indicated the positional information of the photographed image data can be displayed on the camera viewer (340) (See Fig. 1, playback unit 104 comprises index image 184 and index icon generator 190). Murphy further teaches that audio streams can be digitally stored and play backed via the audio pickup device (172) and an audio transducer (202) (see Fig. 1). In light of the teaching from Murphy, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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provide the image transmission apparatus taught in Yamada and Wakui the capabilities of adding the thumbnail images having audio data and file name indicating the positional information of the photographed image so as to provide image data storage in digital format with hype-links between the image and the image location at the time of data capture.

9. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. '697 in view of Fukuoka (US #6,300,976).

As to claim 47, the claim differs from Yamada in that it further requires the response signal includes information which designates a terminal station other than said external apparatus as a transmission destination of the image data to be transmitted. The limitation is well known in the art as shown in Fukuoka. In the same field of endeavor, Fukuoka '976 teaches a digital image capturing device comprising an I/O card (15) which can store digital images, audio information and codes allowing a plurality of cameras and controllers to be connected through a network (col. 2 line 60 - col. 3 line 49; col. 4 lines 3-34; col. 6 line 55 - col. 7 line 15; col. 10 lines 31+). In light of the teaching from Fukuoka, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Yamada by including in the response signal information designating a terminal station as a transmission destination allowing digital images to be efficiently transferred to a plurality of cameras and controllers through a network.

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10. Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. '697 in view of Wakui '816, as applied to claim 36, and further in view of Fukuoka (US #6,300,976).

As to claim 48, the claim differs from Yamada, as modified by Wakui, in that it further requires the response signal includes information which designates a terminal station other than said external apparatus as a transmission destination of the image data to be transmitted. The limitation is well known in the art as shown in Fukuoka. In the same field of endeavor, Fukuoka '976 teaches a digital image capturing device comprising an I/O card (15) which can store digital images, audio information and codes allowing a plurality of cameras and controllers to be connected through a network (col. 2 line 60 - col. 3 line 49; col. 4 lines 3-34; col. 6 line 55 - col. 7 line 15; col. 10 lines 31+). In light of the teaching from Fukuoka, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital camera taught in Yamada and Wakui by including in the response signal information designating a terminal station as a transmission destination allowing digital images to be efficiently transferred to a plurality of cameras and controllers through a network.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**12. Any response to this office action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

(for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ngoc-Yen Vu** whose telephone number is (703) 305-4946. The examiner can normally be reached on Mon - Fri from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

NYV  
09/20/2003

  
**NGOC-YEN VU**  
**PRIMARY EXAMINER**